G.M = 1916.

435 & 16.

SL No. 1-4.

P-37

Proposals of the chief court regarding the revision of the Mysore Civil Service rules affecting the Judicial Department.

App.F.IX-4]

~~192~~ 1916-17

File No. 435/16

Previous References.
G.M. 134-15-48.106
G.M. 134-16-10-11
G.M. 66-15-55 4106
G.M. 66-13-32, 33441
Later references.

(G.M.) Program

Serial Nos. 1 to 4

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 4.

Part B for Nov. 1924

SUBJECT

Proposals of the Civil Court regarding the revision of the Bijapur Civil Service Rules affecting the Judicial Dept.

(For Disposal at a Meeting)

No. C. 341

2/1/1918

GENERAL AND REVENUE SECRETARIAT.

COUNCIL MATTER.

SUBJECT.

Proposals of the Chief Court regarding the revision of the Mysore Civil Service Rules affecting the Judicial Department.

CIRCULATED TO THE MEMBERS OF COUNCIL.

By Order,

C Balasundaram

24th December 1917 Chief Secretary to Government.

Extraordinary Member of Council.

9 10.1.18.

First Member of Council. Opinion recorded.

Second Member of Council.

14. 2.1.18.

WD 2670—GPB—1,000—11-5-17

G. R. S. 11] 1916

GENERAL AND REVENUE SECRETARIAT.

(Gen)

NOTES.

File No. 4357

FILE HEADING.

Revision of Civil Service Rules of 1913—14.

From

No.	Dated	Received

Diary No.	Enclos.	Spare Copies.	Serial No.

BRIEF ABSTRACT OF LETTER.

NOTES AND ORDERS.

NOTES—First Sheet.

O. 1.

G. R. S. 12]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

V

mol 302-16

Q

1. Extract from the Submission Note dated 15th August 1916 in G.M. File No. 154-16 relating to the appointment of Mr. D. Mahadevayya, Munsiff, as Assistant Commissioner.

2. " The general question raised in the notes as to whether the 'corresponding' appointment to the grade of Assistant Commissioners referred to in Clause iii of paragraph xiv of the Civil Service Rules of 1913 should be made to the last class or whether it is expedient to start the officer selected in any of the higher classes, will be further considered in Council and a recommendation submitted for His Highness' orders in due course."

3 Submitted as directed by the Secretary in paragraph 60 of Notes in G.M. File No. 154-16 put up herewith.

Kuppuswami Sastri 28/8/16 VS

4. Please put up the file relating to Mr Basavaraja's appointment as Asst Commr

VS 30/8/16

5. The required files viz fm 66-13 slo 32, 33 & 41 & fm 66-13 slo 554 106 are herewith Submitted.

Kuppuswami Sastri 30/8/16 VS

6. I do not find in that file a discussion of the general question referred to above

7. For favour of opinion.

VS 2/9/16

Br II).

8. Under rules II (2) a, X and XIV (3) (iii)

Sastri. 4/9/16

H. L. O. No. 555-16

NOTE—Contn. sheet.

GPB—70,000—17-12-15

General and Revenue Secretariat. | File No. of 191 .

Serial No.

The appointment of Munsiffs to the Civil Service can only be in the last class of Assistant Commr Scales. But as Mr Mahadevayya has been granted suitable personal allowances to ensure him the pay he would have got from time to time if he had continued as Munsiff, a similar course ~~is likely~~ may be followed in the case of other Munsiffs of the higher classes similarly appointed. ~~There will~~ This arrangement, though not quite in accordance with the views of the Hon'ble in para 15 of G.O. File 66 of 13-14 will facilitate the appointment of Munsiffs to the Civil Service.

9. When a free transfer of Munsiffs to the Civil Service ~~can~~ cannot be expected it is for consideration if ~~any~~ it is necessary to continue the rigid rules in XIV (ii) & (iii) regarding the appointment of Sub Judges. These rules ~~if interpreted~~ work anomalously in practice ~~as under the~~ when as they may result in a junior Asst Commr ~~may be~~ who might have worked for sometime as Munsiff superseding his Seniors both among Asst Commrs and among Munsiffs when a Civil Servant is to be appointed as Sub Judge - the Senior Munsiffs being shut out on the ground that the Vacancy is a Civil Service Vacancy and the Senior Asst Commrs on the ground that they have not had judicial experience - Govt

NOTE—Contn. sheet.

GPS—70,000—17-12-15

6.9.16.

555 Appl 302-16 84

G. R. S. 12]

General and Revenue Secretariat. | File No. of 191 .

Serial No.

10.
There are no financial points involved in this - The Chief Court may be consulted & the necessary orders passed by Govt. The point is whether rule X should apply to the applns under Rule 14 (3) (iii). As the rules now stand it does apply as applns under Rule 14 (3) (iii) are made under Rule II (2) (a). If Govt consider that a change in the rule is necessary there would be no financial objn.

15/9

Bor V. Ley

11.
Submitted
Keatto
16/9/16

Gen Secy. 20/9/16

12.
A draft letter consulting the Chief Ct may be put up to the Fin Member.

Draft
28/12
28/12/16

13.
Draft Subtd
Keatto
4/1/17

Fin Member. 8/1/17

1357
8.1.17

draft approved by the Fin member.
Draft 8/1

8/1/17

Shoaib & Secy.
Asst 23/1/17

NOTE—Contn. sheet.

GPB—70,000—17-12-15

GM 302-16
2/7081

(5

G. R. S. 12]

General and Revenue Secretariat. | GM File No. 435 of 1916.

Serial No.

1. To the Registrar, Chief Court.
G. 10225 dt 25-1-17
Request that the Govt. may be favoured with the opinion of the Judges of the Chief Court (a) whether & inter-departmental transfers between the Judicial and Rev. Departments may be continued (b) if so whether Rule X or XIV 3 (iii) (of the Civil Service Rules of 6-1-13) requires any and what modifications.

2 From the Registrar Chief Court No. 426 dt 8.2.17
With reference to the above request supply of that 25 spare copies of the Civil Service Rules of 6.1.1913 for distribution among the Judges of the Several Court as it is considered desirable to consult them before the Judges can give their opinion.
Submitted with a draft Complying
Issue 11/12/2/17
12/2/17

3 To
The Registrar, Chief Court.
G. 11105 dt 15.2.17
As desired in sl 2 I forward 25 copies of the G.O. dt 6.1.13

4 From the Registrar Chief Court No. 426 dt 19.10.17
In reply to sl 1 states that the Judges are of opinion that inter-departmental transfers between the Revenue

Revenue Secretariat should be done more frequently & regularly.
Rev 22/8/17.

NOTE—Contn. sheet.

GPB—70,000—17-12-15

3176 (6

G. R. S. 12]

General and Revenue Secretariat. | File No. 435 of 1916.

Serial No.

and the Judicial dept should not be continued as a regular part of the system of administration and that Rule XIV. 3. ii of the Civil Service Rules of 6-1-1913 should be repealed and that if transfers are continued Suggests certain alteration to Rules II 2. (a) & X

2

4

A statement embodying the proposals of the Chief Court is put up.

This may perhaps be referred for consideration to the Committee appointed for the Revision of the Civil Service Rules under the Organization & Development Scheme

Submitted for orders

Recd 4/11/17

Chief Secy

To Ks VIII pr cancle.

4/11/17

GEN. & REV. SECRETARIAT VIII E. AUDIT. 10 NOV 1917

E.A. Mis 66 10/11/17.

CPS 9.11.17

11/9/11/17

for perusal of Hendy portion of the papers ref to above

Council Section)

Hem 12/11/17

The papers referred to are not available in the Council Section. It is ascertained that they have been sent to the Second Member from the Rev. Branch.

12/11/17

for favour of refees as personally explained 14/11

Bor V

NOTE—Contn. sheet.

GPB—70,000—17-12-15

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2

General and Revenue Secretariat.

Gen File No. 433 of 1916.

Serial No.

I am to ask that file no G. M 234—09 containing discussions on the subject is in Council Section. It may be kindly put up

(Council Section) NMM 21/11/17

Confidential Collection no 110/vol V is sibd. herewith.

CJA 23/11/17

The proposals of the Chief Court are contained in the last paragraph of the letter under disposal. The judges deprecate the system of inter-departmental transfers between the judicial and civil services and if such transfers are to continue, they recommend that, by the change of certain rules, better treatment may be accorded to Munsiffs.

The plea for the abolition of transfers between (under Rule XIV) the judicial & executive services is based on three reasons, viz,

(1) that the present system curtails the chances of promotion of members of the judicial service

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

Serial No.

(2) That it may introduce into the Dept men who are not suited for the work

(3) That it places the Chief Court at a disadvantage in making recommendations for the higher Dept appts

1st reason.

Under Rule XIII civil Service Rules, vacancies among Subordinate Judges are to be filled ~~from~~ by selection from Asst Comrs & Munsiffs alternately. The Munsiffs are thus deprived of 50% of the higher Judicial appointments. And this loss is not compensated by the provision for the appointment of Munsiffs as Asst Comrs, for such appointment carries with it no increase of pay or position

2nd reason.

There is hardly a single case so far where the selection

NOTE—Contn. sheet.

ND 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | G/W File No. 435 of 1916

Serial No.

of an executive officer for the Govt Dept or vice-versa has proved unhappy. All the present judges of the Chief Court and two of the H.C. judges have spent some years of their service in other depts. It may well be maintained that the Govt dept will be a positive gainer by having among its officers some whose training and experience have been acquired outside the walls of a court. All the same, the tendency of my own opinion is to regard the administration of law as a very specialised occupation, to which a person should dedicate his entire career if he is to prove successful.

3rd reason.

The effect of the rules on the Chief Court's powers of patronage and recommendation is not of very vital consequence, nor is it urged very prominently —

There is a fourth head of

NOTE—Contn. sheet.

AD 1233—GPB—60,000—1-12-16—S.

Serial No.

of view, namely that of the members of the civil service.

The intention of rule XIV apparently was that members of the civil service should have an opportunity of such appointment. But in actual practice, the selection is confined to Asst Comrs who were formerly Munsiffs. Thus Asst Comrs, qua Asst Comrs, do not in any way benefit by the rule. The selection of an Asst Comrs for the appointment of Sub-ordinate Judge is in practice a retrans fer of a Munsiff to the Judl Dept. This arrangement does not serve to benefit the Judl Dept by an infusion of new blood, nor does it provide for a variety of experience being acquired by Asst Comrs, as such.

From every point of view therefore, the abolition of rule XIV (3) seems desirable.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat.

Gen File No. 435 of 1916.

Serial No.

If this is considered inexpedient, the alternative proposals of the Chief Court regarding the amendment of Rules II & III may be adopted. These amendments will remove some verbal inappropriateness and do away with the present anomalous practice by which Munsiffs drawing a pay of Rs 300 or 350 are required to begin as Asst Commrs on Rs 250 (with a personal allowance) when transferred to the civil service.

Chief Secy) 25/11/17

If the whole of Rule XIV. 3. is rescinded the jud dept will become a self contained department. This will be the best course & may be adopted directly.

If asstt Commrs are shut out from the subjudgeships by the repeal of Rule XIV 3(ii) as suggested by the Chief Court, they will have no chance of becoming Subjudges, under Rule XIV 3 (i) - The jud service will then be indirectly confined to Munsiffs alone.

NOTE—Contn. sheet.

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2]

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

As explained by the Chief Court the present system favours junior Munsiffs at the expense of Senior Munsiffs.

If the radical change suggested above is not considered suitable, Rule XIV 3 (ii) may be amended so as to throw open one in three vacancies among subjudges to Asst Courts & the Rules 12(a) & X may be modified as suggested by the Chief Court.

[redacted]
1st member

6/12/17

2242
17.12

Hon'ble Members may kindly see the Government proposal in the Chief Court proceedings dated 6th inst. for the repeal of Rule XIV 3 (ii) and the proposal to bring the entire appointments to the Subordinate Judicial Service under the control of the Chief Court.

17/12/17

Hon'ble Mr. Justice [redacted]

Dewing

3217
19

NOTE—Contn. sheet.

18/12/17

20/12

22/12/17

WD 1233—GPB—60,000—1-12-16—S.

G. R. S. III-2].

General and Revenue Secretariat. | File No. | of 191 .

Serial No.

This was considered & decision in the matter of relevant terms approved in Council on 26. 6. 19. Vide C.B. 98-18-85/64

Negotiations deadwrite however could not be finished. These papers should be linked to the C.S. report note now before Council

8/2

Vide orders in C.B. 210-23. (Copy of G.O. placed in the file)

NOTE—Contn. sheet.

Proposals made by the chief Court.

I Repeal of Rule XIV (3) ii of the Civil Service Rules of 6.1.1953 so as not to allow inter-departmental transfers between the Revenue & the Judicial Dept.

II In case the above proposal is not approved - amendment of Rules II (2)(a) & Rule X of the above rule

Present Rule

Rule II All future admissions to the grade of Asst. Comrs. shall be only in one of two ways, viz:—

(1) × × ×

(2) into the B schedule by special selection made by H.H. the Maharaja—

(a) from members of the lower ranks of the Mysore Public Service who have rendered meritorious service and have shown themselves fit in every way for holding higher appointments and who have also qualified themselves by passing the prescribed examinations, or

× × ×

Rule as it stands after embodying the modifications proposed by the Chief Court.

Rule II no change

(1) × × ×

(2) no change

(a) from members of "other" ranks

&c—

(substitution of 'other' for 'the lower')

Rule X Persons admitted to the grade of Asst. Comrs from the subordinate grades of the public service under Rule II (2)(a) shall not be required to pass through a probation at any stage as detailed in Rule VIII supra, but shall be appointed as Asst. Comrs of the V class on Rs. 350/- and may rise from one class to the next higher after three years' approved service.

Rule X — Persons admitted to the grade of Asst Comrs under Rule II (2)(a) shall not be required &c —

(the words 'from the subordinate grades of the public service' omitted)

proviso to be newly added—

"Provided that a gazetted officer not being a ministerial officer admitted under Rule II (2)(a) may be appointed to a class higher than the V class, if his pay immediately before admission was not less than the pay provided for officers of such higher class.

Civil Sec

G.R.S. III—3]

Routine Notes.

[To be used only for notes, requisitions, etc., not intended for permanent record.]

The two pending collections Nos.C. 341 and C. 745, regarding the abrogation of Rule XIV (3), (ii) & (iii), of the Mysore Civil Service Rules about interchange of officers between the Civil Service and the Judicial Department, are submitted for perusal as desired.

Hm
30-12-18.

Dewan)

(745) One file retd to Mr K.S. Rama Rao, as ordered by the P.S.D on 18/2/19

Cirl rectn. Draw up
Notifn & submit
with the papers in the
margin.

N.B.—Should routine notes be written on small slips, the notes must be copied, or slips pasted on this form.

W.D. 84—GPB—60,000—20-7-16

G.R.S. 26] 23/1

SUBJECT.....

.....

.....

Diary No. of letter replied to.....

G M Section
File No. 435-16
Serial No. 1

General and Revenue Secretariat

( )

, the *191* .

No. G 10525

Date of issue 25.1.17

Signed by M. Hayat

To

The Registrar, Chief Court

Sir,

I am directed to state that when a Munsiff is appointed to the Civil Service under Rule II 2.(a), or XIV 3 (iii) of the Civil Service Rules issued with G.O. No. G. 3528-75 Jud 232-12-1 dt. 6th January 1913, he has, under Rule X of the said Rules, to be made an Asst: Comsr. of the last class; and to request that Govt may be favoured with whatever his pay as a Munsiff be

over. the

the opinion of the Judges of the Chief Court, (a) whether inter-departmental transfers between the Judicial and Rev: Depts may be continued (b) and if so, whether Rule X or XIV 3 (iii) requires any to what modifications.

I have to

Kindly

8/1/17

For Secy to Govt
Jud. dept.

VS

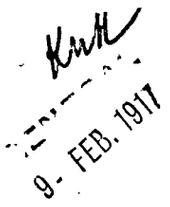
8/1

List of enclosures.

Copied by

Examined by

GPB—20,000—14-2-14

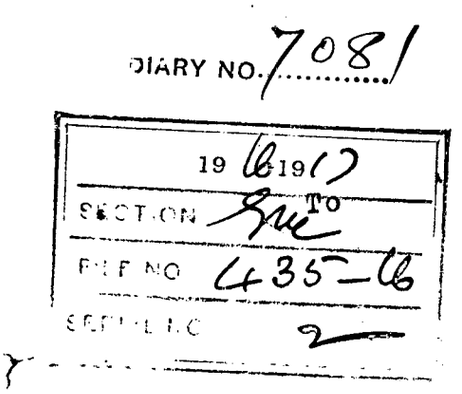


R.O.S. C. No: 426.

Chief Court of Mysore,
Bangalore, dated the 6th February 1917.

From

N.T.Gopaliengar, Esq., B.A., LL. B.,
Registrar of the Chief Court of Mysore.



D.M.Narasinga Rao, Esq., B.A., B.L.,
Secretary to the Government of Mysore,
General Department.

S i r ,

Adverting to your letter No: G.10225/G.M.435-16-1 dated the 25th January 1917 inviting the opinion of the Judges of this Court in the matter of inter-departmental transfers between the Judicial and Revenue Departments as contemplated in Rule II 2(a) or XIV 3(iii) of the Civil Service Rules issued with Government Order No: G.3528-75/G.M. 232-12-1 dated the 6th January 1913, I am directed to request that 25 spare copies of the said Government Order may be caused to be sent to this office for being distributed among the Judges of the several civil courts in the State as it is considered desirable to consult them before the Judges can give their opinions.

I have the honor to be,

S i r ,

Your most obedient servant,

N. Gopaliengar

R E G I S T R A R .

HCC.

G. R. S. 26] 12/2

File No. 439
Serial No. 3

Diary No. of letter replied to .....

No. 7/11105
25 Copies

General and Revenue Secretariat
( )
, *the* 191 .

To

The Registrar Chief Court

Date of issue 15. 2. 17

Signed by Mr. Fazlelli

Sir,

As desired in your letter No. 426 of 8th February 1917, I am directed to forward herewith twenty five Copies of the Civil Service Rules of 6.1.1913.

I have &c

Reed

12/2/17
For Secy to Govt
Genl. Dept

over.

SUBJECT.

9/13/2

CHIEF COURT OF MYSORE,

R.O.S.C. No. 426/1916-17. BANGALORE.

Dated 19th October 1917.

21 OCT 1917

3178
1916-1917
SECTION
FILE NO 435 - 16
SERIAL NO 4.

From

N.T. GOPALIENGAR, Esquire, B.A., LL.B.,
Registrar of the Chief Court of Mysore,
Bangalore.

To

C.S. BALASUNDARAM IYER, Esquire, B.A.,
Chief Secretary to the Government of Mysore
Bangalore.

S i r,

Adverting to your letter No. G. 10225/G.M. 435-16-1 dated the 25th January 1911 inviting the opinion of the Judges of this court in the matter of inter-departmental transfers between the Judicial and Revenue Departments, I am directed to state that the questions put therein are two in number (a) whether inter -departmental transfers should be continued and (b) if so whether Rule X or Rule XIV.3. (iii) requires any and what modification.

2. I am to say that these questions were referred to the officers of the judicial service under the control of the Chief Court and their views have been considered. The Judges of the Chief Court do not think it necessary to trouble the Government with a precis of individual opinions, but I am to state that as to question (a) there is some difference of opinion, the senior Munsiffs generally proposing a negative answer, while among the juniors many would

prefer the affirmative reply; but as to question (b) all are of opinion that alterations are necessary.

3. The feeling that the rules are unsatisfactory is general, and the divergence of opinion in regard to question (a) may probably be due to a difference in the point of view from which the question is considered, but those who accept the continuance of inter departmental transfers are agreed that unless the rules are modified they would be better without them.

4. The Judges of the Chief Court are in general agreement with those who consider inter-depaftmental transfers inexpedient. The matter was under consideration in 1911, and at that time Sir Stanley Ismay, the Chief Judge expressed a strong opinion against such transfers. Mr. Justice Krishna Rao was in agreement with him, and Mr. Justice Chandrasekhara Aiyar took the view that as a rule the only transfers desirable were temporary transfers designed to give Munsiffs for a ~~xx~~ time a training as Magistrates in the administration of the Criminal Law.

5. The Judges of the Chief Court as at present constituted agree generally with the views of Mr. Justice Chandrasekhara Aiyar: they think that inter-departmental transfers are to be deprecated: such transfers cannot tend on the whole to the improvement of the technical efficiency of the Judicial department, for though a knowledge of the administration of the Revenue Codes is no doubt often an advantage to a judge of a civil court, it is far more important that he should have an adequate and up to date knowledge of the Civil Law. Temporary transfers for the special purpose of affording a training in criminal law are on a different footing ~~xxx~~ and are not being made under the present

present rules. To prevent stagnation in a department numerically small, and by affording a prospect of more equal chances of promotion from grade to grade to prevent discouragement and discontent with a consequent diminution of efficiency among the officers, the power to make transfers may be necessary, but in the opinion of the Judges that is about all that can be said for the continuance of the system as a regular part of the administration.

6. It will be within the recollection of the Government that the Judicial Conference of 1914 passed a resolution in favour of making the Judicial Department a separate technical department and a similar view has, the Judges believe, been put forward in the Representative Assembly. Under present conditions the adoption of this view might present difficulties owing to the small number of offices in the department but if in the near future a system is introduced under which a number of Magistrates exercising only judicial functions are appointed and placed under the control of the Chief Court as a part of the Judicial Department, this objection will lose much of its weight, and officers may be expected to be content with a judicial career without expectation of transfer to another department. But even as things are there is it is believed no real necessity to provide by rule for transfers from one department to another if Rule XIV. 3. ii is repealed; the Government must retain the power in exceptional cases to move men into posts for which they deem them most suitable without regard to departmental compartments, but the cadre of Munsiffs being numerically so much smaller than that of Assistant Commissioners it should not be necessary if it is found desirable to fill a vacancy in the Civil Service

by

by the appointment of a Munsiff to create another vacancy by transferring an officer from the Civil Service to a Munsiff's appointment. The vacancy caused in the latter by the removal of the Munsiff may without injustice be left to be filled like any other vacancy caused by promotion in the department itself. The Judges are clearly of opinion that if inter-departmental transfers are to be continued the rules require modification, and not only Rule X, but Rule II. 2. (a) also.

7. It may be doubted whether it is right to include Munsiffs under Rule II. 2. (a) as it stands. Though not included in the Civil Service yet as compared with Assistant Commissioners it seems hardly accurate to qualify them as "members of the lower ranks of the public service", or of "Subordinate grades" in the words of Rule X. Amendments to Rule II. 2. (a) and Rule X would meet this objection.

8. A further amendment to Rule X would be desirable in order to remedy the grievance of the junior Munsiffs and enable transfers to be made to an appointment on a salary not less than that which the Munsiff was drawing in his own department; this would also give the Government a more extensive choice avoiding the necessity of giving special allowances to transferred officers to make up for loss of pay.

9. But the real trouble arises over Rule XIV. 3. ii the effect of which has been that our senior Munsiffs find themselves superseded by an officer transferred from the Civil Service who was junior to them in the Judicial Service. The case of Mr. S. Hiriyannaiya is an instance of this: he joined the judicial service as a probationer in 1904, and Mr. S. Krishna Rao acted as a Munsiff in ~~1910~~ 1901. Mr. Hiriyannaiya left the judicial service as a

N.C.

third class Munsiff in 1908 and was appointed as a Subordinate Judge under Rule XIV. 3. ii. in 1916. Mr. Krishna Rao remained in the Judicial Department and is not a Subordinate Judge yet though he has acted as a Subordinate Judge with credit. Mr. Hiriyannaiya would not, it is probable, have passed over the head of Mr. Krishna Rao in the judicial service had he remained in it and it is prima facie not fair that he should supersede him from another department. He became a Munsiff of the third class in June 1908, while Mr. Krishna Rao attained that class in July 1906 two years before him.

10. It is clear that a supersession of this kind is only justifiable for special reasons, and here comes in a practical difficulty in working the rule. A man who is selected by the Government for appointment as a Subordinate Judge will without doubt be a capable and efficient officer in the line in which he has been working, but may not be a great success as a Judge: the head of his department may probably have no opportunity of considering his capacity from this standpoint, and the Chief Court if consulted can only form a very imperfect estimate of his aptitude for the judicial department, on a consideration of the history of his services. Thus there is little or no guarantee that the judicial department will get the best man available for the work of the department, and to get the best man for his work is the object of the Government no less than of the Chief Court.

11. In this connection I am desired to point out that if this rule is so worked that an officer of the Civil Service appointed to be a Subordinate Judge, is nevertheless retained in his appointment in another department, the Chief Court on whom rests the responsibility of recommending Subordinate Judges for periodical increments of salary, and, occasionally, for promotion to

to higher judicial rank, can have no opportunity of judging whether or not such a recommendation ought to be made,

12 The General Secretary's letter under consideration does not refer to Rule XIV. 3. ii, but the Judges have ventured to include the rule in their observations as it is closely connected with Rule XIV. 3. iii, and the question of its retention, repeal or modification necessarily comes into consideration in considering question (a). If the only transfers in exchange for officers appointed from the Civil Service are to be made from among Munsiffs, and then to the lowest grade of Assistant Commissioners, while the officers appointed from the Civil Service are to be Subordinate Judges, the result cannot but be unsatisfactory from the point of view of the Judicial Department, and of the officers serving therein.

13 The amendments which will be necessary in Rules II and X may it is suggested take the form

(1) of an amendment to Rule II. 2. a. by which the word 'other' may be substituted for the words 'the lower' in that rule.

This amendment would seem to be sufficiently comprehensive, including all officers whether 'lower' than Assistant Commissioners or not, serving in positions not included in the definition of the Civil Service.

(2) of amendments to Rule X to the following effect

(a) omit the words "from the subordinate grades of the public service." The reference to Rule II. 2. a. will make the applicability of the rule quite clear without them.

n.d.

(b)

(b) add the following proviso:

"Provided that a gazetted officer not being a ministerial officer admitted under Rule II.2. a. may be appointed to a class higher than the 5th class, if his pay immediately before admission was not less than the pay provided for officers of such higher class".

14. As Assistant Commissioners do not get promotions in vacancies only, but rise from class to class periodically this proviso cannot afford any ground of complaint to officers of the lower classes, whose promotion will not be retarded by the introduction of a new comer into a class higher than their own.

15. No amendment will then be necessary in Rule XIV. 3. iii. because the Government will be able to take a Munsiff of any class into the Civil Service without difficulty: it is the Munsiffs of the first class who suffer most by Rule XIV. 3. ii. and the amendment will permit the Government to consider their claims under Rule XIV. 3. iii.

16 These amendments would remove the grievances of the Munsiffs, if Rule XIV. 3. ii. were worked so as to withdraw a Munsiff of the First class to an equal rank in the Civil Service every time a Subordinate Judge is introduced into the judicial department from the Civil Service: the judicial officers would then have no great ground for complaint. But it is to be feared that it will not often suit the Government to withdraw a Munsiff of the first class: it may not be easy always to find a place in one of the offices generally filled from Assistant Commissioners of the first and second classes for a man who has for a number of years been doing the work of a Judge of a Civil Court.

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The rule is difficult to work without impairing the efficiency of one or other department and if the Government cannot see their way to restrict their choice of Subordinate Judges to officers serving in the judicial department at the time of the occurrence of the vacancy, perhaps they would consider the possibility of reducing the number of Subordinate Judges to be appointed from the Civil Service: instead of every second vacancy being so filled, two out of three might be filled from among the judicial officers.

17. The better way however in the opinion of the Judges is to repeal Rule XVII. 3. ii. and to fill the offices of Subordinate Judges solely from the judicial department and the body of legal practitioners.

18 The system of appointing District Judges in British India direct from the ranks of the Indian Civil Service, satisfactory enough when there were outside the Presidency Towns few Indians conversant with the British legal system has, now that circumstances in that respect have changed, been for many years the subject of adverse criticism, and has found but few if any defenders; and many suggestions and some experiments have been made for its improvement. Here there does not seem to be any reason why a similar system should be maintained: the judicial department is numerically small in comparison with the Civil Service and affords far fewer chances of high office and the latter service cannot fairly complain if the three posts of Subordinate Judges are reserved ~~for~~ for the former. In Madras the Subordinate Judges are appointed by the Government, but so far as the Judges of the Chief Court are aware, they are invariably selected from among the Judges of civil courts or from the Bar.

If

19. If this were done in Mysore the officers of the judicial department could not complain if they were ordinarily shut out from any expectation of transfer to the lower ranks of the Civil Service, and if as has been observed above a certain number of Magistrates' appointments is hereafter included in the judicial department, and if the salaries of the five classes of Munsiffs could be graded on an equality with those of the five classes of Assistant Commissioners that is to say from Rs. 450/- to Rs. 250/-, the judicial service may, it is to be hoped, attract to it the best legal talent in the State.

20. On the whole the Judges are of opinion that inter-departmental transfers between the Revenue and the Judicial Department should not be continued as a regular part of the system of administration, and that Rule XIV. 3. ii. should be repealed: and that if transfers are continued, Rules II. 2. a. and X of the rules for the recruitment of the Civil Service require alteration as proposed above.

I have the honour to be,

Sir,

Your most obedient servant,

N. Gopalan

REGISTRAR.

Government of His Highness the Maharaja of Mysore.

GENERAL AND REVENUE DEPARTMENTS.

G. O. No. 757-807—C. B. 210-23-1, dated 22nd September 1924.

Mysore Civil Service.

Issues revised rules regarding the —— and creates a non-Civil Service Cadre of Gazetted appointments for certain Departments.

READ—

1. Government Order No. G. 3528-75—G. M. 232-12-1, dated the 6th January 1913, issuing revised rules for the Mysore Civil Service.

2. Government Order No. Finl. 4613-52—G. F. 92-17-3, dated the 26th February 1918 and No. Finl. 6491-504—G. F. 113-17-2, dated the 3rd May 1918, sanctioning a reorganisation of the Comptroller's Office and reserving three posts of Assistant Comptrollers for recruitment from the subordinate ranks of the Accounts Department.

3. Government Order No. 11053-63—Cts. 247-18-1, dated the 17th November 1919, laying down rules for the recruitment of Special Magistrates under the scheme for the separation of judicial and executive functions.

4. Government Order No. O. 788-95—Cash 29-21-1, dated 27th September 1921, directing that two appointments of subordinate Secretariat Officers be reserved for Superintendents of the General and Revenue Secretariat, these posts being excluded from the Civil Service Cadre.

5. Government Order No. 5836-54—C. B. 194-21-1, dated 21st March 1922, fixing the cadre of Assistant Commissioners at 76, and subsequent orders making further reductions in the Cadre.

6. Government Order No. L. 4769-73—C. S. 37-22-2, dated 6th January 1923, fixing the number of Assistant Registrars of Co-operative Societies at four and their pay at Rs. 250—$\frac{50}{3}$—450.

7. Government Order No. Fl. 3526-36—I. T. 10-22-3, dated 6th February 1923, sanctioning the appointment of an Assistant Commissioner of Income Tax on a salary of 250 per mensem.

8. Government Order No. 17-61—C. B. 98-18-3, dated 3rd July 1923, fixing the pay of Assistant Commissioners at Rs. 250—$\frac{25}{1}$—450.

ORDER NO. 757-807—C. B. 210-23-1, DATED 22ND SEPTEMBER 1924.

Questions relating to the organisation of the Mysore Civil Service have been under the consideration of Government for some time past. The Civil Service rules as they now stand were issued more than eleven years ago, and during this period several orders affecting the strength, composition and prospects of this service have been passed, calling for a re-examination of the rules and their modification in important respects.

2. Under the original Civil Service Rules issued in the year 1891, the Mysore Civil Service consisted of Officers holding the following appointments:—

Assistant Commissioners including those attached to the Secretariat, as well as those who may be lent to the Survey, Police or other Departments;
Sub-Division Officers (Revenue);
Town Magistrates;
Sub-Judges and Registrar, Chief Court;
Deputy Commissioners;
District Judges;
Under Secretary; and
Chief Secretary.

who have been only given the rank and status of Assistant Commissioners. Recently, owing to retrenchments in the Department the number of Assistant Superintendents has been reduced by two. There has also been a reduction in the number of Sub-Assistant Superintendents by two. The number of subordinate gazetted officers now required for the Department, excluding the Office Assistant, is six. The total number of officers of the Department exclusive of the Superintendent and Deputy Superintendent will accordingly be fixed at seven, *viz*., six posts of Assistant Superintendents and one of Sub-Assistant Superintendent. Of the six Assistant Superintendents' posts, three will be held by civilians and three by men promoted in the Department. The appointment of Deputy Superintendent of Revenue Survey will be open to officers of the Civil Service as well as to the non-civilian Assistant Superintendents of the Department.

The appointment of Superintendent may similarly be filled either by an officer of the Civil Service or by the promotion of the Deputy Superintendent, although he may not belong to the Civil Service.

12. *Police Department.*—Exclusive of the Superintendent of the Kolar Gold Fields, there are ten officers in the grade of Superintendents of Police (including the Head-quarter Assistant to the Inspector-General). There are, in addition, seven Assistant Superintendents of Police. All the appointments of Superintendents of Police (except that of the Superintendent of Police, Kolar Gold Fields) are now Civil Service appointments. With a view to provide adequate openings for the subordinate ranks of this important service, Government are pleased to direct that only four posts of Superintendents of Police be reserved for the Civil Service and the remaining six posts placed on a non-Civil Service cadre. The post of Superintendent of Police of the Kolar Gold Fields will continue as a special appointment outside the regular cadre. The appointment of Inspector-General of Police will also be now included in the cadre of the Civil Service. The non-Civil Service appointments in the Department will consist of six posts of Superintendents (excluding the Superintendent, Kolar Gold Fields) and seven posts of Assistant Superintendents. Of the six non-civilian Superintendents' appointments, one will be designated "Senior Superintendent of Police" and will have the same scale of pay as Senior Assistant Commissioner, provided an officer who has reached the maximum pay of Rs. 450 is available for promotion to this grade.

13. *Accounts Department.*—The number of appointments of Assistant Comptrollers is eight besides certain temporary appointments for deputation to other departments. Of these five are Civil Service appointments and the remaining three are open to the Accountants of the Comptroller's office. The amalgamation of the Accounts Department with the general Civil Service and the reservation of the bulk of the appointments of Assistant Comptrollers to the Civil Service has not worked satisfactorily in practice. The Department requires special training extending over a long period and the transfer of the Civil Service Assistant Comptrollers, who are now holding the majority of the Assistant Comptrollers' posts, to the general service seriously affects the work of the Department. The Government now direct that the Accounts Department be constituted as a separate service and that only three places of Assistant Comptrollers be reserved to the Civil Service. As it is considered necessary to have always a junior civilian under training for the Accounts Department to take the place of Civilian Assistant Comptrollers reverting to the general line, one more post will be included in the cadre of Civil Service appointments in the Accounts Department to provide for such training. The posts of Deputy Comptroller and Auditor, Mysore Railways, will be open to civilian as well as non-civilian Assistant Comptrollers but one of these two posts will ordinarily be filled by a non-civilian. The post of Comptroller will similarly be open to officers of the Civil Service as well as to a non-Civil Service Deputy Comptroller or Auditor.

14. *Judicial Department.*—As regards appointments in the Civil Judicial line, as already indicated, when a District Judge or a Subordinate Judge is appointed as Local and Legislative Secretary a civilian possessing the requisite qualifications may be appointed as District Judge or Subordinate Judge. Government will also, in consultation with the Chief Court, arrange for the training of one junior civilian at a time, who is a graduate in Law, in Civil Judicial work by posting him as Munsiff for a period not exceeding three years. As regards the Magisterial branch, with a view to enable the officers of the Civil Service to obtain training in Magisterial work which is essential in order to fit them for higher administrative functions, four appointments of first grade Special Magistrates and four of second grade Magistrates will be reserved for the Civil Service.

15. *Municipal.*—Two posts of Chief Officers of the City Municipalities are now included in the cadre of the Civil Service. With the appointment of a Municipal Commissioner for the Bangalore City, the post of the Chief Officer has been virtually abolished. The appointment of Municipal Commissioner of the Bangalore City and of Chief Officer of the Mysore City Municipality will be open to but not included in the cadre of the Civil Service.

No. 757-807—C. B. 210-23-1, DATED 22ND SEPTEMBER 1924.

16. *Income-tax.*—The appointment of Deputy Commissioner of Income-tax will be included in the Civil Service cadre while the appointment of Income Tax Assistant Commissioner will be a non-Civil Service post reserved for officers of the Department with a view to afford an incentive to good and honest work among the Inspect ors and Accountants of the Department.

17. *Co-operation.*—There are now four Assista nt Registrars of Co-operative Societies, one of them being a member of the Civil Service. This arrangement will be continued and one place of Assistant Registrar will be included in the cadre of the Civil Service. The post of Registrar will ordinarily be held by a civilian, but will not be reserved to the Civil Service.

18. According to the orders contained in the preceding paragraphs the appointments to be reserved to members of the Civil Service in the several departments will be as follows:—

Department	No. of officers of the grade of Assistant Commissioners (including Senior Assistant Commissioners)	No. of Officers of grade higher than Assistant Commissioners
General Administration ..	1 Under Secretary	1 Chief Secretary
	4 Assistant Secretaries ..	1 Local and Legislative Secretary
	1 Private Secretary to Dewan ..	1 Revenue Secretary
		1 Assistant Private Secretary to His Highness the Maharaja †
Revenue	18 Assistant Commissioners ..	1 Revenue Commissioner
		8 Deputy Commissioners of Districts.
Excise	1 Head-quarter Assistant to the Excise Commissioner.	1 Excise Commissioner
Survey	3 Assistant Superintendents ..	
Police	4 Superintendents of Police ..	1 Inspector-General of Police
Accounts	3 Assistant Comptrollers ...	
	1 Assistant Commissioner under training.	
Judicial	4 First Grade Magistrates ..	
	4 Second do ...	
Co-operation	1 Assistant Registrar ...	
Income Tax	....	1 Deputy Commissioner of Income Tax. †
Total ...	45	16 .....
Grand Total ...	61	... .

NOTES.—(1) It is open to Government to fill one of the four posts of Assistant Secretaries by the appointment of a non-civil Service Assistant Comptroller. In such case the place of Assistant Comptroller, thus vacated will be filled by an Assistant Commissioner.

(2) If one more place of Assistant Secretary which is open to Civilians as well as to officers of other Departments is filled by a Civilian this will come out of the reserve provided for below.

(3) † These posts are now held by officers above the grade of Assistant Commissioner, but they may also be held by Assistant Commissioners.

(4) The appointment of Revenue Secretary is included in the cadre of Deputy Commissioners.

(5) If the place of Local and Legislative Secretary is held by a District Judge or Subordinate Judge, one place of District Judge or Subordinate Judge may be held by a civilian.

(6) When a civilian is posted as Munsiff, this will come out of the reserve provided for below.

The reserve of two officers now provided in the cadre of Assistant Commissioners for temporary posts, deputations and leave, is found to be totally inadequate. Besides a large number of officers of the Civil Service have been drafted for certain special appointments not included in the cadre of the Civil Service and this as well as the inadequacy of the leave reserve has led to the creation of a large class of officers who act as Assistant Commissioners for long periods without any prospect of confirmation. With a view to make adequate provision in the cadre for officers on leave and deputation and for those employed

in special appointments not reserved to the Civil Service, the reserve will be fixed at eight and the total cadre of the Civil Service will accordingly include 69 officers. Whenever a temporary vacancy occurs in the Civil Service owing to the insufficiency of the reserve, or the deputation of men to special appointments in excess of the number provided in the cadre, an additional appointment outside the Civil Service may be made as against such a vacancy. No such appointment will be made when any member of the reserve is available.

19. The 45 posts of Assistant Commissioners will include nine appointments of Senior Assistant Commissioners on a salary of Rs. 500 rising to Rs. 600 by annual increments of Rs. 50. These appointments will be filled, on the ground of seniority and merit, by promotion of Assistant Commissioners who have reached the maximum pay of Rs. 450. Acting promotions to this grade will however be open to Assistant Commissioners who have not reached the maximum pay of Rs. 450. The four posts of First Grade Magistrates and the post of Under Secretary will ordinarily be held by Senior Assistant Commissioners. The remaining officers in this grade may be posted to any of the charges reserved for Assistant Commissioners.

20. The following higher appointments will be open to members of the Civil Service but not reserved to that service:—

Financial Secretary to Government,
Comptroller to Government,
Auditor, Mysore Railways,
Survey Superintendent,
Deputy Superintendent, Revenue Survey,
Registrar of Co-operative Societies,
Inspector-General of Education,
Director of Industries and Commerce,
Secretary to the Representative Assembly and the Legislative Council,
Municipal Commissioner, Bangalore City.

21. The following is a schedule of gazetted appointments that will ordinarily be filled by promotion from the subordinate ranks in the several Departments subject to rules to be made by Government for direct recruitment for any of the posts:—

General Administration	One Assistant Secretary and Registrar, General and Revenue Secretariat	2	
Revenue	Sub-Division Officers and Treasury Officers	9	
Excise	District Excise Assistants	2	
Survey	Assistant Superintendents of Survey	3	(Besides one post of Sub-Assistant Superintendent.)
Police	Superintendents of Police	6	(Besides seven posts of Assistant Superintendents.)
Accounts	Assistant Comptrollers	5	(Besides temporary appointments.)
Income Tax	Income Tax Assistant Commissioner	1	
Co-operation	Assistant Registrars	3	
	Total	31	

The non-Civil Service posts have been created in order to afford scope to subordinates of proved merit combined with initiative and enthusiasm for work to rise to positions of trust and responsibility in their own departments. The pay of such officers will ordinarily be the same as for civilians doing the same class of work except in the case of the Income-tax and Excise Departments and the Department of Co-operation. The pay of the six gazetted non-Civil Service appointments in these Departments will be fixed at Rs. 200—25—450 while the pay of the remaining twenty-five appointments in the above schedule will be fixed at Rs. 250-25-450 as in the case of Assistant Commissioners in the Civil Service, with the proviso that one post in the Revenue Department and one in the Police may carry a pay of Rs. 500—50—600 as indicated in paragraphs 8 and 12 *supra*.

22. *Methods of Recruitment to the Civil Service.*—The existing methods of recruitment are competition, nomination and promotion from subordinate grades. In regard to the admission of candidates by competition the present rules do not require any change. The examination will be confined to candidates who are subjects of His Highness the Maharaja by birth or domicile. The system of nomination will also continue and be

combined with the scheme of promotion from subordinate grades. Nominations will be made by His Highness the Maharaja, both of persons not already in the service and of specially qualified officers of subordinate ranks in the several departments who are graduates. With a view to ensure that the Civil Service may be a homogeneous group consisting of men with similar outlook and training with the prospect of rising to the highest administrative posts, no one who is above 32 years of age will be admitted to the Civil Service by nomination; and all persons so nominated whether from the subordinate ranks or otherwise shall be first enrolled as Probationary Assistant Commissioners as in the case of those recruited by competition. The scheme of selection of officers from the subordinate ranks for admission to the Civil Service by nomination will be independent of the system of promotion from these ranks to the several non-Civil Service posts now created.

23. As regards the examinations to be passed by the Gazetted Officers, both Civil Service and non-Civil Service, the following changes in the existing rules are ordered:—

No Probationary Assistant Commissioner in the Civil Service will be confirmed as Assistant Commissioner until he has passed the Revenue Higher, Criminal Higher and Accounts Lower tests and every Assistant Commissioner will be required to pass the Civil (parts I and II) examination before he is given his first increment. The existing rules regarding the training of Probationary Assistant Commissioners will continue without alteration. Officers posted to the Accounts Department will further be required to pass the examinations of the Indian Finance Department prescribed by the Government of India for Gazetted Officers. As regards the non-Civil Service gazetted posts the qualifying tests for the several departments will be as follows:—

General and Revenue Secretariat	Revenue Higher, Criminal Higher, Accounts Lower,
Revenue	Revenue Higher, Criminal Higher, Accounts Lower,
Excise	Criminal Higher, Accounts Lower, Excise,
Survey	Revenue Higher, Accounts Lower,
Police	Criminal Higher,
Accounts	Accounts Higher, Government of India Examination for Gazetted Officers of the Accounts Department,
Income Tax	Accounts Lower, Income Tax.
Co-operation	Civil Part II, Accounts Lower.

Government may for special reasons exempt an officer of the subordinate ranks considered otherwise fit for promotion to non-gazetted civil service posts from passing any of the above tests.

24. As the Civil Service will continue to furnish a proportion of the officers required in the several departments, such as, Police, Survey, Accounts, etc., it becomes necessary to lay down some rules to regulate their employment in those departments. On the one hand, it is necessary to avoid premature specialisation and on the other it is desirable that officers posted to special departments should be kept in them sufficiently long to pick up experience and be of real use there though not so long as to render impossible their re-transfer to the general line. The Government will have the option of posting a Civilian to any Civil Service post in any of these departments, but no Assistant Commissioner will ordinarily be posted for duty outside the Revenue department until he has put in two years' service after confirmation in the Revenue department or as a Special Magistrate. This rule will not however apply to the case of an Assistant Commissioner deputed for training in the Accounts Department and a Civilian who has undergone training in that department, may be appointed Assistant Comptroller without having worked in the Revenue Department or as Special Magistrate. Every Officer thus drafted to a special department shall ordinarily remain in such department for not more than four years, exclusive of the period of training.

25. *Schedules A and B.*—Government have now reviewed the entire position and indicated the lines of their future policy. The effect of the above decisions will be to make the Civil Service a *Corps d'elite* for general administrative work, to confine recruitment to the best men available, to make the several other departments practically self-

contained by providing adequate prospects for the subordinate officers in them and to place all men admitted to the Civil Service cadre, however recruited, on a uniform footing as regards pay and prospects. There is now no need to maintain two separate lists of Assistant Commissioners and the A and B schedules will accordingly be amalgamated into one list in future.

26. There now remains the case of officers given the rank and status of Assistant Commissioners. The phrase really means nothing more than that the officers are given a gazetted rank,—an object which can be achieved without constituting them into a separate class. The system of placing them in a separate class of their own is not based on any sound principle and it will be accordingly abolished, all the officers now borne on that list being treated as gazetted officers in their respective departments, the nature of their tenure (permanent or temporary) and their pay being regulated by the existing orders in each case.

K. MATTHAN,
Chief Secretary to Government.

To—The Heads of Departments.
The Secretaries to Government.
The Deputy Commissioners of Districts.
PRESS TABLE.

Exd.—P. S. R. N.

WD 611—GPB—2,005—24-9-24